

Spencer County Plan Commission
Meeting Minutes
April, 24, 2008

The Spencer County Plan Commission held its monthly meeting on Thursday April 24, 2008. Members in attendance were Nathan Helms, Rex Winchell, Robert Cochenour, Charlie Waninger and Pete Rapp. Absent Scott Sublett, Al Logsdon, Steve Sisley and Extension Officer.

Chairman Nathan Helms called the meeting to order at 7:00pm. A copy of March minutes that were mailed out stand approved as presented Motion by Bob Cochenour 2nd by Pete Rapp all in favor.

Helms then asked Attorney Wetherill to advise the board of process for the evening. Attorney Wetherill said that the Board is to consider and give recommendations of approval or disapproval pursuant to Indiana Code 36-5-1-4 regarding a Petition for Incorporation for the Town of Richland that has been filed with the Spencer County Board of Commissioners. The Plan Commission shall render its approval or disapproval and all accompanying recommendations pursuant to Indiana Code 36-5-1-8 (see attachment 1) which he then read.

Chairman Helms then gave Nora Yeager the ok to start her PowerPoint presentation. She started out with why The Friends of Richland wanted to incorporate: Identity as a Community, they were ready to take on Responsibility, wanted a different Image, more protection and resources from grants that may be available and Sense of Community for more Growth when the community was cleaned up.

They have filed all the proper paper work with The County Commissioners according to IC 36-5-2 including a petition to incorporate with 77 signatures. She then presented paperwork that showed in the surveyed area there were 357 residents which includes children, 222 individual property owners for 500 parcels of land. Most of this information for the number of residences and property owners came from Jim West who obtained his information from the Recorder's, Assessor's Office and Census Bureau.

Nora then gave an assessed valuation of all real property within the territory, certified by the County Assessor, based on 2007 Assessments. Grand Total \$11,850,500, Minus Non Taxable Properties \$770,300, Total AV of Taxable Property \$11,080,200. If incorporated they would also incur a portion of the township debt. Other revenues not included and amounts unknown are COIT, CEDIT, Road Tax (the proposed town has 5.17 miles) and Cigarette tax. It was pointed out that such revenues are not guaranteed.

Nora than presented services to be provided pursuant to IC 36-5-1-8.:

1. Police Protection provided as a contracted service with the Spencer County Sheriff and deputies to begin July 1, 2010. The current Sheriff has given tentative support to this arrangement. No legal agreements can be made until a town council has been elected.
2. **Fire Protection** as a contracted service with the Luce Township Volunteer Fire Department to begin July 1, 2010.
3. **Street construction, maintenance, and lighting** as needed to begin January 1, 2011. It is not anticipated that construction will be needed before that time.
4. Provision of adequate **storm sewers** as deemed necessary by the Town Council, beginning with the January 2011.

5. Maintenance of the **park in the center of the town** and other areas acquired by the town for purposes of revitalization and beautification beginning July 1, 2010. They would not be doing anything with the Ball Park.
6. Planning, zoning, and subdivision control, beginning January 2009.
7. Sanitary Sewers essential for quality of lifestyle and value of property will be provided. Beginning time for this service will depend on the pending Luce Township Sewer District Project and/or its completion or demise. The problem will be solved, if not by agreement with the Luce Township Sewer District then independently by the Town of Richland.

Nora then presented a Cost of Service \$42,650.00

The following is an estimate for the 12 months beginning July, 2010

<u>1. Personnel</u>	
Salary for Town Council Board Members	\$ 600.00
Clerk Treasurer	3500.00
Town Attorney	1000.00
<u>2. Employee Benefits</u>	
Per Diem	250.00
<u>3. Legal Services</u>	
	3000.00
<u>4. Supplies and Services</u>	
Office Supplies	500.00
Printing/Advertising/Computer	2000.00
Insurance	5000.00
Utilities (includes street lights, Internet, Telephone)	6000.00
<u>5. Other Service</u>	
Contractual (law enforcement)	15000.00
<u>Fire Protection to be supplied by the Luce Township</u>	
<u>Fire Department</u>	
Park Maintenance and Mowing	1600.00
Street Maintenance and Mowing	1600.00
Election	1000.00
Association for Towns and Cities	
Rent	1600.00
TOTALS	(\$42,650.00)

The taxable property minus exemptions is \$8,256,379 collectible in 2009 based on 2008. The tax rate based on that amount is .52¢

Nora said the Name of the proposed town would be Town of Richland.

President Helms then asked for any questions:

Bob Cochenour asked Luce Trustee Pete Rapp how much indebtedness the proposed town would incur. Trustee Rapp said approx. 15% of the total township debt the exact amount is unknown. If the township incurs more debt like the purchase of a fire truck then the Town as well as the County taxes will increase.

Nathan Helms asked which of the (6) six services out of the (8) eight were they going to provide for. Nora said the 1st (6) six on the list which does not include sewers. Nathan asked if the law

required them to provide sewers within a certain amount of time. Nora said they were not mandated to, they only had to provide for (6) six of the IC services and they are not including sewers.

Bob Cochenour asked how they were going to incorporate Planning and Zoning. Nora said Planning and Zoning is the only thing the board members would have to do for the 1st year because they will not have any money to operate on. Bob said it takes a lot of planning and needs to be budgeted in order to incorporate planning and zoning you can not just copy an existing plan. You need to start with a Comprehensive Plan, then Zoning and you need to be careful who is advising you as the County has learned from past experience. He also said if the proposed town becomes incorporated, they will not have county services.

Bob Cochenour asked if County gives a road to the Town do they by law have to make sure it is at current road standards. Both Francis Lueken and John Wetherill said they didn't believe so.

Dan Kincaid said the proposed town would consist of 3 Town Council members to serve for 18 months for the 1st term. He also said when they had the survey done they tried to avoid farmland. Then he informed the board that Richland was a registered town before for 1 year between 1920 and 1925 however they never provided any services or held any elections. The town was officially dissolved in 1938.

Pete Rapp asked if they had planned for any expected growth pursuant to I.C. 36-5-1-4. Nora said that the thought was once Richland was cleaned up there are empty lots for growth.

Nathan Helms asked if someone had assessed value property of \$100,000 would they be paying and additional \$520.00 a year in addition to county taxes? Nora said no, Jim West said that Bill Goffinett from Indiana Assoc. of Cities and Towns said a assessed home of \$100,000 would see an increase on the average of \$160.00 a year, but that this figure is based upon a statewide average.

Edward Ingram was present and against the petition he felt like he had been mislead when he signed the petition he was told that this was just an inquiry for the possibility of incorporating. And there would be referendum on the next election ballot and now they are already petitioning to be a town. Jim West said when they 1st started inquiring to be a town that is what they were told by the Indiana Assoc. of Cities and Towns. Nora said when Mr. Ingram called her and told her to remove his name from the petition, she did. Rex Winchell asked how many people were opposed to signing the petition. Nora said everyone they asked had signed so they stopped attaining names when they had well over the required 50 names to petition.

The Board was reminded by Attorney Wetherill that one of requirements was that a substantial majority of property owners are in agreement of the 6 services and in favor of becoming incorporated. Nathan Helms suggested polling the property owners to make sure they had a majority. Nora asked if email was acceptable. She was told that was ok as long as the names could be verified along with the 6 services agreed to. Pete Rapp made a motion to table this meeting and continue at the May 22nd meeting when the Friends of Richland had a chance to obtain the signatures needed for a substantial majority. Bob Cochenour 2nd all in favor.

Old business:

Decided to postpone working on the sub-division ordinance, checklist and bonding, until after the next meeting.

Motion made to adjourn the meeting by Bob Cochenour, 2nd by Charlie Waninger, all in favor.

Meeting adjourned at 8:34pm

Next meeting May 22, 2008 at 7:00pm.

IC36-5-1-8

Approval of petition; required findings

Sec. 8. The county executive may approve a petition for incorporation only if it finds all of the following:

(1) That the proposed town is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes.

(2) That the proposed town is reasonably compact and contiguous.

(3) That the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.

(4) That a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:

(A) Police protection.

(B) Fire protection.

(C) Street construction, maintenance, and lighting.

(D) Sanitary sewers.

(E) Storm sewers.

(F) Health protection.

(G) Parks and recreation.

(H) Schools and education.

(I) Planning, zoning, and subdivision control.

(J) One (1) or more utility services.

(K) Stream pollution control or water conservation.

(5) That the proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.

(6) That incorporation is in the best interest of the territory involved. This finding must include a consideration of:

(A) the expected growth and governmental needs of the area surrounding the proposed town;

(B) the extent to which another unit can more adequately and economically provide essential services and functions; and

(C) the extent to which the incorporators are willing to enter into agreements under IC 36-1-7 with the largest neighboring municipality, if that municipality has proposed such agreements.

As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.195-1984, SEC.3.